

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Timo Heinrich et al.

Examiner: Noble E. Jarrell

Serial No.: 10/560,734

Group Art Unit: 1624

Filed: December 15, 2005

Confirmation No.: 3735

Allowed: June 30, 2010

Title: INDOLE DERIVATIVES AS SEROTONIN REUPTAKE INHIBITORS

REQUEST FOR CLARIFICATION OF RECORD

ATTN: PATENT PUBLICATIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The Notice of Allowability mailed with the Notice of Allowance on June 30, 2010 indicates at No. 3. that "Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).", but also indicates that "*Certified copies not received: DE 10326939." German priority application DE 10326939 of June 16, 2003 is the only priority application claimed under 35 U.S.C. § 119 for this application, and was filed with the International Bureau of W.I.P.O. in International Application PCT/EP2004/005547 of 24 May 2004.

The Examiner's attention is directed in PAIR to the Notice of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.495, which acknowledges the "Priority Documents filed on 12/15/2005" as being received, as well as the Examiner's acknowledgement of receipt of "All" Certified copies of the priority documents in the Office Action Summary of 12/28/2009.

However, the Bibliographic Data Sheet in PAIR indicates that "35 USC 119(a-d) conditions" have NOT been met.

It is respectfully requested that the record be clarified to acknowledge receipt of all priority papers under 35 USC 119.

Respectfully submitted,

/Harry B. Shubin/

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Attorney Docket No.: MERCK-3099

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